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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER FLANDERS, ANDREW C	
			ART UNIT	PAPER NUMBER

2644

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/092,945

Applicant(s)

FAY ET AL.

Examiner

Andrew C. Flanders

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☒ Claim(s) 62 and 64 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 62 and 64 are objected to because of the following informalities: Claims 62 and 64 recite the limitation “the interactive video program”. There is insufficient antecedent basis for this limitation. It appears to the examiner as though this limitation should apparently be related to the script file and will be understood as such to expedite prosecution. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1 – 56** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 – 56 are directed toward a computer program. For more information please see MPEP section 2106.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Mince (U.S. Patent 5,990,879).

Regarding **Claims 1, 23, 27, 28 and 29**, Mince discloses:

A script file (Figs 3a and 3b), comprising:

a text section that includes a text label to designate a point during execution of a script sequence when an audio rendition of a video event is to be initiated (i.e. in Figs. 3a and 3b, the video script and audio scrip list the file types to be played; col. 4 lines 35 – 40 and elements 304 and 302);

a container configured to maintain audio content within the script file, the audio content identified in the container with a content label corresponding to the text label (i.e. the program files are distributed evenly among the systems three hard drives, the drive location for each file is listed in either audio program file 306 or video file 308; col. 4 lines 40 – 45); and

the audio content being auto-referable and generated as the audio rendition at the designated point during execution of the script sequence (i.e. the system plays the scripts in order and goes down each list until a return to top indicator is encountered at which point the sequence is repeated; col. 4 lines 38 – 43).

Regarding **Claims 2, 24 and 30** in addition to the elements stated above regarding claims 1, 23 and 29, Mince further discloses:

wherein the audio content is initiated to be generated as the audio rendition without a reference in the text section to identify a location of the audio content (i.e. the script file in Fig. 3B does not contain data where the audio is located, the audio programs file 306 does).

Regarding **Claims 3 and 25**, in addition to the elements stated above regarding claims 1 and 23, Mince further discloses:

wherein the audio content is initiated to be generated as the audio rendition without an instruction the text section to identify a location of the audio content (i.e. the script file in Fig. 3B does not contain instructions where the audio is located, the audio programs file 306 does).

Regarding **Claims 4, 26 and 31**, in addition to the elements stated above regarding claims 1, 25 and 29, Mince further discloses:

wherein the audio content is generated as the audio rendition when a script processor executes the script file and determines that the content label corresponds to the text label (in Fig. 4, the system selects the first video and audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claims 5 and 32**, in addition to the elements stated above regarding claims 1 and 29, Mince further discloses:

the text section includes a second text label to designate a second point during execution of the script sequence when a second audio rendition is to be initiated (i.e. in Fig. 3B program #2);

the container is further configured to maintain a reference to additional audio content, the reference identified in the container with a reference label corresponding to the second text label (i.e. the program files are distributed evenly among the systems three hard drives, the drive location for each file is listed in either audio program file 306 or video file 308; col. 4 lines 40 – 45); and

the additional audio content being auto-referable and generated as the second audio rendition at the designated second point during execution of the script sequence when the script file is executed (i.e. the system plays the scripts in order and goes down each list until a return to top indicator is encountered at which point the sequence is repeated; col. 4 lines 38 – 43).

Regarding **Claims 6 and 33**, in addition to the elements stated above regarding claims 5 and 32, Mince further discloses:

wherein the additional audio content is generated as the second audio rendition when a script processor executes the script file and determines that the reference label corresponds to the second text label (in Fig. 4, the system selects the first video and

audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claim 7**, in addition to the elements stated above regarding claim 1, Mince further discloses:

the text section includes a second text label to designate a second point during execution of the script sequence when a second script is to be executed (i.e. in Fig. 3B program #2, the portion from program 2 down to #12 is the second script);

the container is further configured to maintain a reference to the second script, the reference identified in the container with a reference label corresponding to the second text label (i.e. the program files are distributed evenly among the systems three hard drives, the drive location for each file is listed in either audio program file 306 or video file 308; col. 4 lines 40 – 45); and

the second script is executed when a script processor executes the script file and determines that the reference label corresponds to the second script (in Fig. 4, the system selects the first video and audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claim 8**, in addition to the elements stated above regarding claim 1, Mince further discloses:

the text section includes at least a second text label to designate a second point during execution of the script sequence when a second audio rendition is to be initiated

(i.e. in Fig. 3B program #2, the portion from program 2 down to #12 is the second script);

the container is further configured to maintain additional audio content within the script file, the additional audio content identified in the container with a second content label corresponding to the at least second text label (i.e. the program files are distributed evenly among the systems three hard drives, the drive location for each file is listed in either audio program file 306 or video file 308; col. 4 lines 40 – 45);

the audio content is generated as the audio rendition when a script processor executes the script file and determines that the content label corresponds to the text label (in Fig. 4, the system selects the first video and audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206); and

the additional audio content is generated as the second audio rendition when the script processor executes the script file and determines that the second content label corresponds to the at least second text label. (in Fig. 4, the system then selects the second video and audio file type from the script files in step 204, then the second corresponding file name is played from the appropriate sub-file in 206).

Regarding **Claim 9**, in addition to the elements stated above regarding claim 1, Mince further discloses:

wherein the text section includes an instruction set configured to instantiate one or more audio processing components that are configured to generate an audio rendition corresponding to a video event (in Fig. 4, the system selects the first video and



audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claim 10**, in addition to the elements stated above regarding claim 1, Mince further discloses wherein the text section includes an instruction set configured to instantiate one or more audio processing component, an individual processing component having interface methods that are callable by the script file (in Fig. 4, the system selects the first video and audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claim 11**, in addition to the elements stated above regarding claim 1, Mince further discloses:

wherein the text section includes an instruction set configured to instantiate one or more audio processing components, an individual audio processing component having interface methods that are callable by the script file via an iDispatch interface between the script file and the individual audio processing component (in Fig. 4, the system selects the first video and audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claim 12**, in addition to the element stated above regarding claim 1, Mince further discloses:

wherein the text section includes an instruction set configured to:

instantiate a performance manager that includes at least one audio segment having one or more audio content components, each audio content component configured to generate audio instructions from the audio content (in Fig. 4, the system selects the first video and audio file type from the script files (*instantiating a performance manager*) in step 204, then the first file name is played from the appropriate sub-file in 206); and

instantiate an audio rendition manager that includes one or more audio rendering components configured to process the audio instructions to render an audio rendition corresponding to the audio content (i.e. the first file name is played by the system from the appropriate sub-file in 206).

Regarding **Claim 13**, in addition to the elements stated above regarding claim 12, Mince further discloses:

wherein the performance manager is instantiated when an application program initiates execution of the script file, the performance manager instantiated as a component object having an interface that is callable by the application program (i.e. as the system begins the software is initialized; step 202, then the system selects the first video and audio file type from the script files; 204; Fig. 4).

Regarding **Claim 14**, in addition to the elements stated above regarding claim 12, Mince further discloses:

wherein the performance manager is instantiated as a component object having interface methods that are callable by the script file via a translation interface between the scrip file and the performance manager (i.e. as the system begins the software is initialized; step 202, then the system selects the first video and audio file type from the script files; 204; Fig. 4).

Regarding **Claims 15 and 18**, in addition to the elements stated regarding claims 14 and 17, Mince further discloses:

wherein the translation interface is an iDispatch application (in Fig. 4, the system selects the first video and audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claim 16**, in addition to the elements stated above regarding claim 12, Mince further discloses:

wherein the audio rendition manager is instantiated when an application program initiates execution of the script file, the audio rendition manager instantiated as a component object having an interface that is callable by the application program (i.e. the first file name is played by the system from the appropriate sub-file; col. 4 lines 59 – 67).

Regarding **Claim 17**, in addition to the elements stated above regarding claim 12, Mince further discloses:

wherein the audio rendition manager is instantiated as a component object having interface methods that are callable by the script file via a translation interface between the script file and audio rendition manager (i.e. the first file name is played by the system from the appropriate sub-file; col. 4 lines 59 – 67).

Regarding **Claim 19**, in addition to the elements stated above regarding claim 12, Mince further discloses:

wherein the text section includes a second instruction set configured to monitor one or more parameters of the audio segment to determine when to input the audio content to the audio segment to render the audio content (i.e. the system monitors playback server and directories then determines if the filename play is complete; Fig. 4).

Regarding **Claims 20 – 22**, in addition to the elements stated above regarding claim 12, Mince further discloses:

wherein the performance manager is instantiated when an application program initiates execution of the script file (i.e. as the system begins the software is initialized; step 202, then the system selects the first video and audio file type from the script files; 204; Fig. 4),

and wherein the text section includes a second instruction set configured to monitor one or more parameters of the application program to determine when to input the audio content to the audio segment to render the audio content (i.e. the system

monitors playback server and directories then determines if the filename play is complete, if it is it gets new files; Fig. 4).

Regarding **Claim 34**, Mince discloses:

a first instruction set configured to instantiate a performance manager that includes at least one audio segment having one or more audio content components, each audio content component configured to generate audio instructions from received audio content (in Fig. 4, the system selects the first video and audio file type from the script files (*instantiating a performance manager*) in step 204, then the first file name is played from the appropriate sub-file in 206); and

a second instruction set configured to instantiate an audio rendition manager that includes one or more audio rendering components configured to process the audio instructions to generate an audio rendition corresponding to the audio content (i.e. the first file name is played by the system from the appropriate sub-file in 206).

Regarding **Claim 35**, in addition to the elements stated above regarding claim 34, claim 35 is rejected under the same grounds as claims 13 and 16 stated above.

Regarding **Claim 36**, in addition to the elements stated above regarding claim 34, claim 36 is rejected under the same grounds as claims 14 and 17 stated above.

Regarding **Claim 37**, in addition to the elements stated above regarding claim 34, claim 37 is rejected under the same grounds as claim 19 stated above.

Regarding **Claim 38**, in addition to the elements stated above regarding claim 34, Mince further discloses:

at least a third instruction set configured to instantiate a script track as a component of the audio segment (i.e. the audio script in Fig. 3),

the script track configured to monitor one or more parameters of the audio segment to determine when to input the audio content to the audio segment to generate the audio rendition (i.e. the system monitors playback server and directories then determines if the filename play is complete, if so it moves on to the next track in the script; Fig. 4).

Regarding **Claim 39**, in addition to the elements stated above regarding claim 34, claim 39 is rejected under the same grounds as claims 36 and 38.

Regarding **Claims 40 and 42**, in addition to the elements stated above regarding claim 34, Mince further discloses:

a text section that includes the first instruction set and the second instruction set, and further includes a text label to designate when to input the audio content to the audio segment (i.e. in Figs. 3a and 3b, the video script and audio scrip list the file types to be played; col. 4 lines 35 – 40 and elements 304 and 302);

a container configured to maintain the audio content within the script file, the audio content identified with a content label corresponding to the text label (i.e. the program files are distributed evenly among the systems three hard drives, the drive location for each file is listed in either audio program file 306 or video file 308; col. 4 lines 40 – 45); and

and the audio content being auto-referable and input to the audio segment when the script file is executed (i.e. the system plays the scripts in order and goes down each list until a return to top indicator is encountered at which point the sequence is repeated; col. 4 lines 38 – 43).

Regarding **Claim 41**, in addition to the elements stated above regarding claim 40, Mince further discloses:

wherein the audio content is input to the audio segment when a script processor executes the script file and determines that the content label corresponds to the text label (in Fig. 4, the system selects the first video and audio file type from the script files in step 204, then the first file name is played from the appropriate sub-file in 206).

Regarding **Claim 43**, in addition to the elements stated above regarding claim 42, Mince further discloses:

wherein the audio content is input to the audio segment when a script processor executes the script file and determines that the reference label corresponds to the second text label (in Fig. 4, the system then selects the second video and audio file type

from the script files in step 204, then the second corresponding file name is played from the appropriate sub-file in 206).

Regarding **Claim 44**, claim 44 is rejected under the same grounds as claim 12.

Regarding **Claim 45**, in addition to the elements stated above regarding claim 44, claim 45 is rejected under the same grounds as claim 13.

Regarding **Claim 46**, in addition to the elements stated above regarding claim 45, claim 46 is rejected under the same grounds as claim 13.

Regarding **Claim 47**, in addition to the elements stated above regarding claim 44, claim 47 is rejected under the same grounds as claim 14.

Regarding **Claim 48**, in addition to the elements stated above regarding claim 47, claim 48 is rejected under the same grounds as claim 15.

Regarding **Claim 49**, in addition to the elements stated above regarding claim 44, claim 49 is rejected under the same grounds as claim 16.

Regarding **Claim 50**, in addition to the elements stated above regarding claim 49, claim 50 is rejected under the same grounds as claim 16.



Regarding **Claim 51**, in addition to the elements stated above regarding claim 44, claim 51 is rejected under the same grounds as claim 17.

Regarding **Claim 52**, in addition to the elements stated above regarding claim 51, claim 52 is rejected under the same grounds as claim 18.

Regarding **Claim 53**, in addition to the elements stated above regarding claim 44, claim 53 is rejected under the same grounds as claims 13 and 19.

Regarding **Claim 54**, in addition to the elements stated above regarding claim 44, claim 54 is rejected under the same grounds as claim 19.

Regarding **Claim 55**, in addition to the elements stated above regarding claim 44, claim 55 is rejected under the same grounds as claim 21.

Regarding **Claim 56**, in addition to the elements stated above regarding claim 44, claim 56 is rejected under the same grounds as claims 13 and 21.

Regarding **Claim 57, 58, 59 and 60**, Mince further discloses:

One or more computer-readable media comprising computer executable instructions, that when executed, direct a computing system to perform the methods of claims 44, 47, 51 and 55 (i.e. the software is initialized in 202 of Fig. 4).

Regarding **Claim 61**, Mince further discloses:

One or more computer-readable media comprising computer executable instructions that, when executed, direct a computing system to perform a method (i.e. the software is initialized in 202 of Fig. 4) comprising:

executing a multimedia application (Fig. 4 element 202);

rendering a video event of the multimedia application (selecting and playing a video, 204 and 206 in Fig. 4);

receiving a request from the multimedia application to create an audio generation system to generate an audio rendition corresponding to the video event (i.e. playing the audio; 206 in Fig. 4; the audio script corresponds to the video script; figs. 3)

in response to receiving the request, executing a script file to create the audio generation system (i.e. the system plays the scripts in order and goes down each list until a return to top indicator is encountered at which point the sequence is repeated; col. 4 lines 38 – 43),

the script file comprising computer executable instructions that further direct the computing system to perform:

instantiating a performance manager that includes at least one audio segment having one or more audio content components, each audio component generating

audio instructions from received audio content (in Fig. 4, the system selects the first video and audio file type from the script files (*instantiating a performance manager*) in step 204, then the first file name is played from the appropriate sub-file in 206); and  
instantiating an audio rendition manager that includes one or more audio rendering components for processing the audio instructions to generate the audio rendition (i.e. the first file name is played by the system from the appropriate sub-file in 206).

Regarding **Claim 62**, in addition to the elements stated above regarding claim 61, Mince further discloses:

wherein the performance manager is instantiated as a component object having an interface that is callable by the interactive video program (i.e. as the system begins the software is initialized; step 202, then the system selects the first video and audio file type from the script files; 204; Fig. 4).

Regarding **Claim 63**, in addition to the elements stated above regarding claim 61, Mince further discloses

wherein the performance manager is instantiated as a component object having interface methods that are callable by the script file via a translation interface between the script file and the performance manager (i.e. as the system begins the software is initialized; step 202, then the system selects the first video and audio file type from the script files; 204; Fig. 4).

Regarding **Claim 64**, in addition to the elements stated above regarding claim 61, Mince further discloses:

wherein the audio rendition manager is instantiated as a component object having an interface that is callable by the interactive video program (i.e. the first file name is played by the system from the appropriate sub-file; col. 4 lines 59 – 67).

Regarding **Claim 65**, in addition to the elements stated above regarding claim 61, Mince further discloses:

wherein the audio rendition manager is instantiated as a component object having interface methods that are callable by the script file via a translation interface between the script file and the audio rendition manager (i.e. the first file name is played by the system from the appropriate sub-file; col. 4 lines 59 – 67).

Regarding **Claim 66**, in addition to the elements stated above regarding claim 61, Mince further discloses:

wherein the script file further comprises computer executable instructions that further direct the computing system to perform instantiating a script track as a component of the audio segment, the script track monitoring one or more parameters of the audio segment to determine when to input the received audio content to the audio segment (i.e. the system monitors playback server and directories then determines if the filename play is complete, if so it moves on to the next track in the script; Fig. 4).

Regarding **Claim 66**, in addition to the elements stated above regarding claim 61, Mince further discloses:

wherein the script file further comprises computer executable instructions that further direct the computing system to perform instantiating a script track as a component of the audio segment, the script track monitoring one or more parameters of the interactive video program to determine when to input the received audio content to the audio segment (i.e. the system monitors playback server and directories then determines if the filename play is complete, if so it moves on to the next track in the script; Fig. 4).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2644

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